

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

CIV18-2710

Plaintiff

-against-

ALAN GELBSTEIN, in his official and individual capacity;  
BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT) in her official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
ELIZABETH PRICKETT-MORGAN, in her official and individual capacity;  
JEAN FLANAGAN, in her official and individual capacity;  
VINCENT PALMIERI, in his official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE.

Defendants

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**PLAINTIFF'S RESPONSE TO STATE DEFENDANT'S RESPONSE TO  
PLAINTIFF'S WRITTEN OBJECTIONS TO REPORT & RECOMMENDATION  
OF MAGISTRATE BLOOM DATED JANUARY 30, 2019**

Mario H. Capogrosso hereby declares the following pursuant to 28 U.S.C.A. §1746:

In response to State's Attorney Point II The Magistrate Properly Found That  
Plaintiff Failed to Allege A Conspiracy Under Sections 1985 and 1986

1. I am not a bigot. I simply stated facts. Opposing counsel and this Court can draw any inference they choose, but I am not a bigot. To paint such a picture is a reprehensible misrepresentation of who I am as a person and as an attorney and is an attempt by


opposing counsel to misdirect the Court. I was appalled when Yakov Brody told me you can “Excuse yourself go F--- yourself you Jew hater ant-Semite” when the only comment I made to such attorney was excuse me can I get my coffee on December 21, 2011, the incident that initiated this scenario of events.

2. I remind this Court please look at all the exhibits presented by opposing counsel in this matter. Of all the exhibits, there is not one client or motorist who had filed a complaint that I made anti-Semitic or racist comment or remark. I had worked at this Brooklyn TVB for ten years and stand by my name, reputation and character in my zealous representation of my clients.
3. I take offense therefore when opposing counsel labels me as a bigot, which is merely an attempt to divert the Court. The only bigot in this scenario of events, is Defendant Gelbstein, who when I requested relief from the harassment of Defendant Smart his only reply was, “to laugh and giggle and tell me a spade is a spade.” I do apologize to this Court for such an abhorrent characterization, **but these are not my words** but the words of Defendant Gelbstein, the true bigot. I am not.
4. As noted, I also have taken offense that opposing counsel tries to label the putting up of my hand in an open palm position and telling Defendant Smart to “back up back up” is an assault. A reprehensible mischaracterization of the evidence. It seems to be par for the course with the State’s attorney.
5. In light of such advocacy, I welcome my day in your Court to clear my name and shed light on the circumstances which have brought me to it.

6. I want to once again thank J. Magistrate Bloom for the recommendations which were in my favor and thank both J. Magistrate Bloom and J. Brodie for their time and patience.

Dated: March 18, 2019  
New Rochelle, New York

Respectfully Truthfully Submitted,

  
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Mario H. Capogrosso

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO, ESQ.

Plaintiff

-against-

**CV-18-2710**

ALAN GELBSTEIN, et. al

**AFFIRMATION OF SERVICE**

Defendants

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I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Plaintiff's Response to State's Response to Plaintiff's Objections to J. Magistrate's Report and Recommendation dated January 30, 2019

upon:

Mark Siegmund (upon his affirmation  
in representing Defendants  
Gelbstein, Vahdat, Traschen, Prickett Morgan,  
Flanagan, Palmieri, Calvo)  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005

Sadiq Tahir  
2994 Coney Island Avenue  
Brooklyn, NY 11235

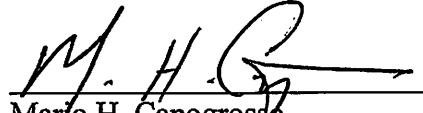
Pec Group of NY  
935 S. Lake Blvd. #7  
Mahopac, NY 10541

David Smart  
2875 West 8<sup>th</sup> Street  
Brooklyn, NY 11229

via U.S. Postal Service First Class Mail or personal delivery, this 18<sup>th</sup> day of March 2019.

Westchester, NY

March 18, 2019

A handwritten signature in black ink, appearing to read 'M. H. Capogrosso', written over a horizontal line.

Mario H. Capogrosso

21 Sheldrake Place

New Rochelle, NY 10804

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